

Serial: 95516

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99015-SCT

FILED

ORDER

MAY 02 2002

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

*IN RE: LOCAL RULES OF THE
SECOND CHANCERY COURT
DISTRICT*

AMENDED ORDER

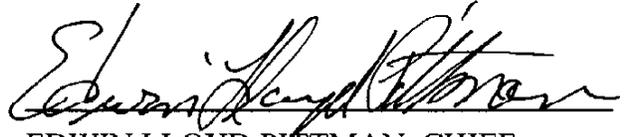
This matter has come before the Court en banc on petition of Hon. H. David Clark II, Chancellor of the Second Chancery Court District, and a Notice of Amendment to Proposed Amended Local Rules of the Second Chancery Court District seeking approval under M.R.C.P. 83 of revised and amended local rules for the Second Chancery Court District adopted by order issued by him on November 30, 2001. Having considered the proposed local rules, this Court found that their adoption will promote the fair and efficient administration of justice and that they are not inconsistent or in conflict with the Rules of Civil Procedure or with other rules adopted by this Court.

By order filed April 11, 2002, the Court approved the amended local rules. However, it has been since called to the attention of the Court that the amended petition contained certain revisions to Local Rule 15(A) which were not incorporated in Exhibit "A" to this Court's order.

IT IS THEREFORE ORDERED that the order of this Court issued in this matter is hereby amended and superceded by this order, and the proposed revised and amended local rules for the Second Chancery Court district, set out in Chancellor H. David Clark II's order issued by him on November 30, 2001, are approved, as set out in Exhibit "A" to this order. Such rules shall supercede and replace the existing local rules of the Second Chancery Court District.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and shall forward a true certified copy hereof to West Publishing Company for publication in the Southern Reporter, Second Series, (Mississippi Edition). The order which is amended and superceded hereby, however, shall not be published.

SO ORDERED, this the 24th day of April, 2002.



EDWIN LLOYD PITTMAN, CHIEF
JUSTICE, FOR THE COURT

**IN THE CHANCERY COURT OF THE SECOND JUDICIAL DISTRICT
STATE OF MISSISSIPPI**

**IN THE MATTER OF THE AMENDMENT
OF THE LOCAL RULES OF THE SECOND
CHANCERY COURT DISTRICT, STATE
OF MISSISSIPPI**

GENERAL ORDER #

**ORDER ADOPTING AMENDED LOCAL RULES
FOR THE SECOND CHANCERY COURT DISTRICT**

WHEREAS, the Chancery Court for the Second Judicial District, State of Mississippi, has heretofore adopted Local Rules for the administration of Court in the Counties comprising the District; and

WHEREAS, the Supreme Court of the State of Mississippi did, on the 12th day of August 1992, approve the Local Rules for the Second Chancery Court District, subject to certain exceptions noted in its Order; and

WHEREAS, the fair and efficient administration of justice requires that certain amendments, modifications and additions be made to the Local Rules for the Second Chancery Court District in order to ensure that all cases on the docket of this Court proceed to final adjudication in an orderly and timely fashion.

IT IS THEREFORE ORDERED AND ADJUDGED, pursuant to Rule 83, Mississippi Rules of Civil Procedure, that the Court does hereby adopt the following Amended Local Court Rules of the Second Chancery Court District, State of Mississippi, and does hereby submit same to the Supreme Court of Mississippi for consideration.

SO ORDERED AND ADJUDGED, this the 30th day of November, 2001.

C H A N C E L L O R

**AMENDED LOCAL RULES OF THE
SECOND CHANCERY COURT DISTRICT
STATE OF MISSISSIPPI
Adopted November, 2001**

Table of Rules

I. GENERAL RULES

1. Commencement of Court.
2. Establishment of Terms of Court and Ex Parte/Motion Days.
3. Duties of the Clerk/Court files.
4. Dockets and Calendars.
5. Scheduling trials, hearings and ex parte matters.
6. Pre-Trial procedures.
7. Filing and special contents of pleadings.
8. Preparation of process.
9. Administrative/Ex Parte matters.
10. Preparation and submission of judgments and orders
11. Willful violation of rules constitutes contempt

II. RULES CONCERNING DOMESTIC RELATIONS MATTERS

12. Full financial information in domestic relations matters.
13. Family Support Act of 1988--Findings of fact.
14. Appointment of valuation expert

III. RULES CONCERNING ESTATE MATTERS (Adopted 11/01)

15. Estates, Guardianships and Conservatorships

IV. RULES CONCERNING SETTLEMENT CONFERENCES (Adopted 11/01)

16. Settlement Conference.

V. PRIORITY. Adopted 04/90.

17. Priority.

APPENDIX OF FORMS

**I.
GENERAL RULES**

RULE NO. 1. Commencement of Court. (Revised 04/90).

Court shall commence each day at 9:00 o'clock a.m. unless otherwise set by order of the Court.

RULE NO. 2. Establishment of Terms of Court and Ex Parte/Motion Days. (Revised 04/90)

The Court will enter an Order annually establishing the commencement and continuation of regular terms of Court as well as Motion and Ex Parte Days in the various Counties comprising the Second Chancery Court District. If no such order is entered prior to January 1, the Order for the previous year shall remain in effect.

RULE NO. 3. Duties of the Clerk/Court files. (Revised 11/01)

- A. It shall be the duty of the Clerk, or the Clerk's designated representative, to be present in the courtroom at all times Court is in session, unless excused by the Court.
- B. Other than Ex Parte and Motion Days, it shall also be the duty of the Clerk to have available in the courtroom the Court files and Exhibits of all cases set for hearing or motions that day.
- C. At all other times, the files of this court shall not be removed from the office of the Clerk except by permission of the Clerk. The Clerk shall maintain an appropriate system whereby court files may be checked out in accordance with this rule.
- D. Only attorneys, or parties who represent themselves, may remove files from the office of the Clerk, and they shall assume full responsibility for the safekeeping and return of such files. In addition, attorneys who have actions set on the court calendar when the Court is setting in another county shall check out the file from the Clerk's office and bring same to Court for such hearing. In either event, all files shall be promptly returned to the Clerk's office following the hearing by the Court, or within ten (10) working days from the day such file is checked out. (§ 9-5-165; M.R.C.P. 79; U.C.C.R. 1.02, 1.04)
- E. It shall also be the responsibility of the Clerk to notify the Bailiff of each day and time the Court will be sitting in their County.

RULE NO. 4. Dockets and Calendars. (Revised 11/01)

- A. The Clerk of the Court and the Court Administrator shall maintain General Dockets, Trial Calendars, Trial Dockets and other records and books as set forth in Rules 79 and 40 of the Mississippi Rules of Civil Procedure. [§9-17-1, et seq., Miss.Code.Ann] As a

minimum, the following dockets shall be maintained at all times:

1. General Docket: A chronological log of activities of all actions filed with the Court. Every case filed with the Court is listed on this docket. (§ 9-5-201)
2. Probate Docket: All actions for the administration of estates, probate of a will, appointment of a Guardian, and appointment of a Conservator are hereby assigned to the Probate Docket, and shall be listed thereon.
3. Family Master Docket: All actions filed to establish paternity pursuant to the Mississippi Uniform Law on Paternity, and all actions filed by the State or County Department of Human Services, or its successor, for the purpose of establishing, modifying and enforcing orders for support, are hereby assigned to the Family Master from the date of filing of same, and shall be placed on the Family Master Docket until disposed of by the Family Master by written report or recommendation to the Chancellor (§ 9-5-255). The duly appointed Family Master shall be authorized to enter general administrative orders including, but not limited to Orders setting causes for trial, Orders of continuance, and Orders requiring paternity testing. All final Orders or Judgments shall be entered by the Chancellor
4. Trial Calendar: All cases which have been filed for more than one hundred twenty (120) days, other than cases on the Probate or Family Master Dockets, shall be placed on the Trial Calendar to be set for final hearing, if no final hearing has been previously set. (M.R.C.P. 40 & 78)
5. Trial Docket: The trial Docket shall be prepared by the Court Administrator at the time actions are set for trial and shall state the case to be tried, the date of the trial, the attorneys of record in the case, and the place of the trial. Additionally, if the matter is set for trial at a duly conducted docket call, the Trial Docket shall reflect such attorneys of record and parties representing themselves as were present personally or by design when the trial docket was set. (M.R.C.P. 40(b) and §9-17-1, et seq., Miss.Code.Ann.) In the discretion of the Court, matters and actions on the trial docket may be tried and disposed of in such a manner as to give preference to those matters and actions which are approaching the trial standards deadline as established by the Supreme Court.

RULE NO. 5. Scheduling trials, hearings and ex parte matters. (Revised 11/01)

A. Scheduling Rule 81(d)(1) and (2) matters.

- 1 Upon the filing of any action or matter listed in M.R.C.P. 81 (d)(1) and (2), Summons substantially similar to Form 1D or Form 1DD of said Rules shall be prepared by the party filing same and issued by the Clerk commanding the defendant or respondent to appear and defend at a time and place, either in term time or vacation, at which the same shall be heard. Pursuant to this rule, the attorney filing same may select any Ex Parte or Motion Day as the time and place of such hearing, and shall immediately notify the Court Administrator thereof. Alternatively, the attorney filing such matter may, prior to the issuance of a summons thereon, obtain a different time and place for such hearing [other than an Ex Parte or Motion Day] by contacting the office of the Court Administrator.

- 2 If such action or matter is not heard on the day set for hearing, it may, by order signed on that day, be continued to a later day for hearing without additional summons on the defendant or Respondent, provided sufficient process on the Defendant was acquired to make the case otherwise triable on that date. Pursuant to this rule, the Clerk of the Court in the county in which said action is filed is hereby authorized to execute Orders setting such cases for hearing, or continuing same, on dates, and at locations within the district to be designated by the attorney filing same. It shall be the responsibility of said attorney to obtain the date, time and place of such setting from the Court Administrator.
- 3 In the event that Summons is issued pursuant to this rule for any actions or matters enumerated in Rule 81(d)(1) and (2) M.R.C.P., and there is not sufficient service of process upon the Defendant or Respondent to make the cause triable on the date set in the summons, such process shall be void and a new Summons must issue pursuant to this rule for the Defendant or Respondent. (M.R.C.P. 81)

B. Scheduling other cases for Trial.

- 1 All Irreconcilable Difference divorce actions, and all actions wherein process is issued pursuant to MRCP 4, wherein the defendant is in default, will automatically be placed on the trial calendar by the Court Administrator. The Court Administrator will then prepare and forward to counsel for Plaintiff a Notice of Trial Setting advising counsel of the date, time and place of final hearing of said matter. The Notice of Trial Setting shall be in substantial conformity with Form CA.5B1.100.
- 2 Upon completion of process in any action wherein process is issued pursuant to MRCP 4, and the defendant has answered or otherwise made an appearance, the Court will enter a Time Standards Order which will, inter alia, set the matter for trial, subject to the following provisions. The Time Standards Order shall be in substantial conformity with Form CT.5B2.100 for contested domestic relations matters, and with Form CT. 5B2.200 for general civil actions.
 - a In all actions in which an answer has been filed by any Defendant, the Court will select a trial date which follows the date for completion of discovery as allowed by Uniform Chancery Court Rule 1.10, but prior to the deadline established by the Supreme Court in its Time Standards for Trial Courts. If no answer is filed following completion of process, the Court will place the action on the Trial Docket for the first available trial date for final resolution of the matter.
 - b Counsels for all parties should reserve the entire court term in which each action is set for trial. Although the trial date established by the Court in its Time Standards Order is the preferred date for trial of the matter, same may be called up for trial at any time during the entire court term upon proper notice from the Court.
 - c In the event any attorney shall have any conflicts with the assigned trial date, notice thereof must be received by the Court Administrator within 10 days from the date of the Trial Standards Order. In such event, counsel with such conflict should, within 15 days from the date of the Trial Standards Order, arrange a conference

call between the Court Administrator and all counsels for the purpose of selecting an alternate trial date, failing in which the trial date assigned in the Time Standards Order shall stand.

- d Absent unforeseen emergency or immediate exigent circumstances, only conflicts noticed to the Court Administrator within 10 days of the date of the Time Standards Order shall be considered by the Court. Unforeseen emergency or immediate exigent circumstances shall be considered by the Court on a case by case basis.
3. Any action may be set for trial by submission to the Court Administrator of an Agreed Order setting cause for hearing signed by at least one attorney of record for each party. Such Agreed Order shall provide either that:
 - a All discovery has been completed, and all motions have been previously filed and finally disposed of; or alternatively,
 - b Such Order may establish deadlines for the completion of all discovery, joinder of parties, designation of experts, as well as the filing and hearing of Motions. The Court Administrator should be contacted to ascertain available dates for trial settings.
 4. Alternatively, cases may be set for trial upon the Motion for Trial Setting of any party, and proper notice to all other parties. Such Motion shall be set for hearing on any Ex Parte or Motion day, with notice of such setting provided to the Court Administrator by the party setting same. However, notice of such Motion need not be made to any party in default for failure to appear. (M.R.C.P. 5(a))
 5. Cases may also be set for trial at a duly noticed and conducted Docket Setting pursuant to M.R.C.P. 40.
 6. In no event will such actions be set for trial unless and until process is completed on all parties, all motions have been filed, heard and finally disposed of, and all discovery is completed, unless prior authorization is obtained from the Court, and an Agreed Order is entered establishing deadlines for the completion of all discovery, as well as the filing and hearing of all Motions. **Once an action is set for Trial, all outstanding motions shall be deemed withdrawn, and all outstanding discovery shall be deemed waived, unless provided otherwise in the Order setting said cause for hearing.**

C. Scheduling motions and ex parte matters.

1. Pursuant to M.R.C.P. 78, all Motions and Ex Parte Matters shall be scheduled for hearing in the following manner:
 - a. The Court has established and will maintain scheduled days in vacation for hearing ex parte matters and motions. Any day designated as an Ex Parte day shall also be a Motion Day.
 - b. The Court Administrator shall maintain an Ex Parte and Motion Docket for each Ex Parte and Motion Day. Cases will be called on such days as they appear on the Ex Parte and Motion Docket. Attorneys, or parties representing themselves, who have matters they wish to schedule on an Ex Parte or Motion Day may do so

by contacting the Court Administrator, whose address is Post Office Box 434, Forest, Mississippi 39074, and whose telephone number is (601) 469-2447.

- c. It shall be the responsibility of each attorney, or each party representing themselves, to produce to the Court the original court file prior to the hearing of any case scheduled on an Ex Parte and Motion Day.

RULE NO. 6. Pre-Trial procedures. (Adopted 11/01)

A. Definitions:

1. The term "Filing Date" shall refer to the date of the filing of any original complaint or petition in any matter.
2. The term "Service of an Answer" shall refer to the date upon which an answer is due from the last of the Defendants required to respond. If no answer is required by applicable statutes or rules, the date of "Service of an Answer" shall be that date which is thirty days for divorce actions and all Rule 81(d)(1) matters, or seven days for all Rule 81(d)(2) matters after the date of service of process on the defendant, all as calculated pursuant to M.R.C.P.6.
3. The term "Target Date" shall refer to that date which is one year following the date of the filing of the complaint/petition [Filing Date] in contested domestic relations cases, or 18 months following the date of the filing of the complaint/petition [Filing Date] in general civil cases.
4. The terms "Counsels" or "Attorneys" shall include not only attorneys but also pro se litigants.

B. Scheduling Orders.

1. An appropriate Scheduling Order, in substantial conformity with Form CT.6B1.100, shall be submitted to the Court within thirty (30) days of the date of "Service of an Answer", as defined in this rule.
2. Counsels for all parties are under an affirmative duty to timely present the proposed Scheduling Order to the Court setting forth deadlines required therein, including, but not limited to deadlines for the joinder of other parties, amendments to pleadings, service of motions, designation of experts [whether requested by counsel opposite or not], service of dispositive motions and the **completion** of discovery. [The discovery deadline shall require that all discovery be **completed** and not simply filed by that date. For example, interrogatories should be filed more than thirty days prior to the discovery deadline, plus three days for mailing, if applicable. (See M.R.C.P. 6(e))]
3. Not later than twenty (20) days after the date of "Service of an Answer", as defined in this rule, lead counsel for Plaintiff shall initiate a conference call between counsels for all parties who shall then confer regarding preparation of the Scheduling Order and the content thereof. By agreement of all counsels, this conference may be conducted in person at a locations to be agreed upon. Unless agreed otherwise, Counsel for Plaintiff shall thereupon prepare the proposed Scheduling Order and submit same to Counsels for all defendants within four (4) days thereafter. Counsel for Defendants shall thereafter submit same to the Court no later than thirty (30) days following the

date of “Service of an Answer”.

4. In selecting applicable deadlines to be prescribed by the Scheduling Order, counsels for all parties must consider the “Target Date” as designated by the Supreme Court. Further, counsels for all parties should consider that all requests for continuances and all request for extensions of the deadlines set forth in the Scheduling Order will require a showing of good cause.
5. In the event counsels for all parties cannot agree on applicable deadlines to be contained in the Scheduling Order, all counsels shall submit to the Court, no later than twenty-six (26) days after the date of “Service of an Answer”, a proposed Scheduling Order containing the deadlines which they propose for this case. In this situation, counsel should attach to the proposed Scheduling Order an Affidavit explaining the disagreement between counsels regarding the proposed deadlines, as well as an explanation as to why their proposed deadlines are more applicable to this situation.
6. In arriving at the deadlines to be prescribed in the Scheduling Order, counsels for all parties should consider the following as an initial guide:
 - a. Discovery Deadline 90 days from Service of an Answer, pursuant to U.C.C.R. 1.10;
 - b. Joinder of Parties 45 days from Service of an answer;
 - b. Amendments to Pleadings 45 days from Service of an Answer;
 - c. Designation of Experts 45 days from Service of an Answer;
 - d. Motions 120 days from Service of an Answer;
 - e. Dispositive Motions 150 days from Service of an Answer.
7. No new discovery shall be commenced after a case is set on the Trial Docket except by Order of the Court. (M.R.C.P. 16, 40)

RULE NO. 7. Filing and special contents of pleadings. (Revised 11/01)

- A. All pleadings, accounts and other papers filed in any action shall be mailed or delivered to the Office of the Clerk of the appropriate County, and not to the Court Administrator nor to the Chancery Judge. Such pleadings shall conform to the paper size and margin requirements set forth in the Rules and/or Tracking System of the Mississippi Supreme Court governing transcripts of judicial proceedings, and those which do not so comply shall not be accepted or filed by the Clerk.
- B. For the benefit and convenience of the Court and the Clerk, all documents (complaints, answers, motions, judgments, discovery pleadings, etc.) shall have typed thereon the style of the case and the case number (if a number has been previously assigned).
- C. The Complaint/Petition and the Answer shall include the complete physical and mailing address and telephone number of the party upon whose behalf such is filed.
- D. Every pleading or motion of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, and whose address and telephone number shall also be stated. (M.R.C.P. 5 and 11; U.C.C.R. 2.02)

RULE NO. 8. Preparation of process. (Revised 04/90)

All process shall be prepared by the party requesting issuance of same, and presented to the Clerk of the Court for issuance.

RULE NO. 9. Administrative/Ex Parte matters. (Revised 11/01)

Administrative/Ex parte matters, or matters submitted on sworn pleadings not requiring testimony, may be handled by mail, provided "FILED" stamped copies of the pleadings and all exhibits, and proof of sufficient process are included with the requested or proposed Judgment or Order. Any correspondence by mail with the Court shall include an addressed and stamped envelope for the Court's response, or return of said Judgment or Order. (U.C.C.R. 7.02)

RULE NO. 10. Preparation and submission of judgments and orders. (Adopted 11/01)

- A The Court shall designate the attorney to prepare all judgments and orders of the Court. The attorney designated to prepare the judgment or order shall submit same to counsel opposite who shall sign said judgment or order indicating approval of same as to form. The purpose for this is to let the Court know that opposing counsel has had the opportunity to read the judgment or order and, while he may disagree with the ruling of the Court, agrees that the judgment or order contains what the Court did in fact hold. When there is no opposite counsel and the judgment or order is sent to the Court by mail, the accompanying letter shall contain sufficient facts as to remind the Chancellor of the specific case.
- B All agreed judgments or orders shall be presented to the Court within ten (10) days from the announcement of such agreement to the Court, failing in which, see Rule 10(c)(5) below. All agreed judgments and orders shall be signed by all attorneys in such fashion as to indicate their agreement with the adjudications contained therein.
- C Problems have arisen with regard to compliance with UCCR Rule 5.04 requiring that judgments be presented to the Chancellor within ten (10) calendar days. In an effort to avoid such problems and to ensure compliance with UCCR 5.04, the following procedure for preparation and submission of judgments and order is hereby adopted by the Court.
1. Upon the completion of the hearing of any matter, the Court will designate which attorney is to prepare the judgment or order.
 2. The attorney designated by the Court to prepare the judgment or order shall forward a proposed judgment or order to counsel opposite, if any, within three days following the hearing. When there is no opposite counsel and the judgment or order is sent to the Court by mail, the accompanying letter shall contain sufficient facts as to remind the Chancellor of the specific case.
 3. Upon receipt of the proposed judgment or order, counsel opposite shall immediately review it and sign it, if correct, and send it to the Court, copying the attorney who prepared same. If counsel opposite disagrees with the form of the order or judgment, he/she shall immediately contact the attorney who prepared same in an attempt to resolve the disagreement. If additional time is absolutely necessary to resolve this disagreement, counsel opposite shall advise the Court *prior to expiration of the ten (10) day period* and obtain an extension of time within which to submit the

judgment or order, *but in no event shall such addition time exceed ten (10) additional days.*

4. If counsels are able to resolve the disagreement, an appropriate judgment or order shall be forwarded to the Court within the ten (10) day period, plus any extension allowed by the Court, not to exceed ten (10) additional days. If counsels are unable to resolve the disagreement, counsel opposite shall so notify the Court Administrator *prior to the expiration of the ten (10) day period, plus any extension of time allowed by the Court.* The Court Administrator shall then schedule the matter for further hearings for the purpose of entry of a judgment or order. Such hearing for the entry of an appropriate judgment or order shall be scheduled as soon as possible, but in no event later than twenty (20) days following the date of the hearing at which the Court directed the preparation of the judgment or order. Notice of such hearing, in substantial conformity with form CA.10C4.100, shall be provided to both counsels by the Court Administrator. Both counsel are required to personally appear before the Court at such hearing and to present to the Court a proposed judgment or order.

5. If the judgment or order is not presented to the Court within the ten (10) day period allowed, plus any extension of time granted by the Court, and neither attorney has contacted the Court Administrator to have the matter set for hearing for the purpose of entry of a judgment or order, the Court will enter an **ORDER TO SHOW CAUSE** in substantial conformity with Form CT.10C5.100 directing that both attorneys personally appear before the Court to show cause why they should not be held in contempt of Court and assessed cost and expenses, if appropriate.

RULE NO. 11. Willful violation of rules constitutes contempt. (Revised 04/90)

Any willful violation of these rules shall constitute contempt of Court, for which any person may be fined and/or imprisoned in the County jail

II.
RULES CONCERNING DOMESTIC RELATIONS MATTERS

RULE NO. 12. Full financial information in domestic relations matters.(Revised 11/01)

- A. In all domestic case wherein economic issues and/or property division has been plead, the parties and their attorneys shall comply with Rule 8.05, Uniform Chancery Court Rules. Each party shall provide the opposite party or counsel, if known, the following disclosures:
- 1 A detailed written statement of actual income and expenses and assets and liabilities in the forms proscribed by Rule 8.05, Uniform Chancery Court Rules;
 - 2 Copies of the preceding year's Federal and State Income Tax returns, in full form as filed, or copies of W-2's if the return has not yet been filed;
 - 3 A general statement of the providing party describing employment history and earnings from the inception of the marriage or from the date of divorce, whichever is applicable.
- B. The party providing the required written statement shall immediately file a Certificate of Compliance, in the form contained in Rule 8.05 with the Chancery Clerk for filing in the Court file.
- C. These voluntary disclosures shall be made by Plaintiff not later than the time that the Defendant's Answer is due, and by the Defendant at the time that the Defendant's Answer is due but not later than 45 days from the date of the filing of the commencing pleading, if discovery was filed with the commencing pleading.
- D. If the original consideration of the matter by the Court is in the form of a Temporary Hearing or Contempt Hearing, such financial information shall be furnished to the Court and to opposing counsel as soon as Court convenes on the date of the hearing; except that, in contempt cases, Plaintiff need not submit full financial information.

RULE NO. 13. Family Support Act of 1988--Findings of fact. (Revised 04/90)

Pursuant to the Family Support Act of 1988, [P.L. 100-485, Section 103, 42 U.S.C. Section 667(b)], and § 43-19-101, Mississippi Code of 1972, as amended (Miss.Laws, ch. 439, 1989), the guidelines adopted by the State of Mississippi for establishing child support obligations shall be considered by the Court, along with those items of consideration heretofore enumerated by the Supreme Court, in all cases wherein child support is awarded or modified, whether such award be by agreement or by opinion of the Court. In all actions in which § 43-19-101, Mississippi Code of 1972, as amended is applicable, any party who requests a variance from the guidelines enumerated therein, either by way of increase or decrease, should present to the Court, at the time of the hearing, proposed written findings of facts as to why the application of the guidelines would be unjust or inappropriate in that particular case. Such proposed written findings may be in the form of a proposed Judgment containing the reasons for deviation.

RULE NO. 14. Appointment of valuation expert. (Adopted 11/01)

- A. In all domestic case wherein equitable division of marital property is at issue, the Court must, prior to making the equitable division, determine the fair market value of all marital assets. Ferguson v Ferguson, 639 So.2d 921 (Miss. 1994). The parties are encouraged

to negotiate a reasonable agreement as to the value of each separate item of marital property, if possible. An agreement, signed by both parties and their counsels, setting forth the agreement of the parties as to the value of any or all marital assets should be filed with the Clerk no later than the deadline for designation of experts. In the event that the parties are unable to agree on the fair market value of any or all marital assets by that deadline, Counsel for Plaintiff should notify the Court Administrator by letter, with copy to all counsels of record. Such letter should be forwarded to the Court Administrator no later than 5:00 O'clock. p.m., on the date designated in the Scheduling Order as the deadline for designation of experts. [Mail: P. O. Box 434, Forest, MS 39074; Fax: 601-469-3116]

The Court will thereafter enter an Order To Show Cause why an expert should not be appointed pursuant to M.R.E. 706. The Order to Show Cause shall be in substantial conformity with Form CT.14A.100.

- B. The failure by counsel for Plaintiff to notify the Court of the inability of the parties to agree as to the value of all items of marital property by the deadline for designation of experts shall be treated as a contempt of Court.
- C. In the event the Court elects to appoint experts to value any or all marital property, an Order Appointing MRE 706 Experts in substantial conformity with Form CT.14C.100 shall be entered. The Order shall provide that the compensation for such experts shall be paid by the parties in such proportion and at such time as the Court directs, and thereafter charged in like manner as other cost. The parties will be required to deposit with the Court sufficient funds to cover the anticipated cost thereof. The specific amounts to be deposited by each party shall be considered by the Court at the hearing noticed by the Order to Show Cause. M.R.E. 706(b).
- D. Alternatively, in order to expedite the process of securing an Expert pursuant to M.R.E. 706, the parties may agree to the appointment of an expert by the Court by the execution of an Agreed Order For Court Appointed Experts in substantial conformity with Form CT.14D.100. The Court will thereafter select the name of the experts and the amount to be deposited by each party to be inserted in the Order.
- E. Upon the appoint of an expert by the Court, an Amended Scheduling Order shall be entered extending the deadline for designation of experts and completion of discovery.
- F. Nothing contained herein shall limit the right of either party to retain an expert of their own. M.R.E. 706(d).

III.
RULES CONCERNING ESTATE MATTERS

RULE NO. 15. Estates, Guardianships and Conservatorships. (Adopted 11/01)

- A. Information worksheets required.
- 1 Not later than ten (10) days after the issuance by the Clerk of any Letters to any Fiduciary in any estate, guardianship or conservatorship, the attorney and petitioners shall complete and file a Probate Worksheet in substantial conformity with Form CL.15A1.100. In the event any information contained on said Probate Worksheet shall change prior to the closing of such estate, guardianship or conservatorship, the attorney and the Fiduciary shall file with the Clerk an Amended Probate Worksheet within ten (10) days of such changed circumstances. Failure of the attorney or the Fiduciary to file such Probate Worksheet or any required Amendments thereto shall constitute a contempt of Court, and shall subject the attorney and Fiduciary to removal, fine and/or incarceration, as appropriate, in the sound discretion of the Court.
- B. Bonds required in estate matters
- 1 Pursuant to § 91-7-67, Miss.Code.Ann., unless the requirement for bond is waived in a property probated last will and testament, bond in any estate may only be waived if the administrator is the decedent's sole heir or if all the heirs are competent and present their sworn petition to waive or reduce such bond.
 - 2 Unless properly waived, bond should be established in an amount at least equal to the value of the estate. (§91-7-41). As the Court has no basis upon which to gauge the value of an estate at the time of the entry of an Order opening same, it is the responsibility of the Attorney to include in the original Petition a statement as to the value of the estate so as to allow for the establishment of an appropriate bond.
 - 3 If bond has not been properly waived, it is the responsibility of the attorney to advise the Court if, at any time, the value of the estate exceeds the bond posted by the fiduciary.
- C. Annual accountings required.
- 1 Annual accountings are required in all estate matters unless property waived or pretermitted by the Court upon proper petition therefor.
 - 2 In order to insure the proper and timely filing of accountings by all fiduciaries and their attorneys, the Court hereby adopts the following procedure:
 - a Upon the entry of any Judgment or Order appointing a fiduciary in any estate, a Notice of Due Date of Accounting in substantial conformity with Form CL.15C2a.100 shall be mailed by the Clerk to each fiduciary and the fiduciary's attorney notifying them that the first annual accounting is due one year from the date such estate is opened.
 - b Thereafter, each year in which an accounting is due, a Notice of Accounting Due in substantial conformity with Form CL.15C2b.100 shall be mailed by the Clerk to each fiduciary and the fiduciary's attorney notifying them of the month in which an accounting is due. Such Notice shall be mailed at least thirty (30) days prior to the due date of the accounting.

- c The Clerk shall determine in the month following the month in which an accounting is due the identity of each file in which the fiduciary and attorney have failed to file an accounting or failed to have the accounting excused or deferred in writing by the Court. Such information shall be provided by the Clerk to the Court Administrator, who shall bring same to the attention of the Court.
- d An Order To Show Cause for failure to file the accounting in shall thereupon issue to such derelict, fiduciary and attorney citing them to appear before the Court at a time and date certain to show cause why such accounting was not filed and for the Court to consider whether the fiduciary and attorney should be fined and removed for such failure, and to consider such further action as the Court may deem appropriate. Such Order to Show Cause shall be in substantial conformity with Form CT.15C2d.100.
- e Attorneys and fiduciaries desiring to defer an accounting shall present to the Court a written Motion setting forth the reason such deferment is appropriate. Attached to such written request shall be the proposed Court order granting such deferment of annual accountings.
- f Absent compelling reason therefor, no such deferment of annual accountings will be granted in any estate in which regular withdrawals are made or anticipated.

IV.
RULES CONCERNING SETTLEMENT CONFERENCES

RULE NO. 16. Settlement Conferences. (Adopted 11/01)

- A. **SCHEDULING.** Any action before the Court may be set for Settlement Conference at the request of any party, or on the Court's own motion, by entry of an Order Setting Settlement Conference in substantial conformity with Form CT.16.100.
- B. **PARTICIPANTS.** All counsels shall be present at the settlement conference. Absent unforeseen emergency or immediate exigent circumstances, all parties shall be personally present at the settlement conference unless previously excused by Order of the Court.
- C. **PRODUCTION.** Counsels for all parties shall be prepared to produce to the Court and counsel opposite at the time of the settlement conference the following:
 - 1 The original Court File;
 - 2 The original of any and all unfiled discovery;
 - 3 Copies of all proposed trial exhibits;
 - 4 Copies of all documentation required under U.C.C.R. 8.05;
 - 5 Copies of all written reports from all experts expected to testify at the final hearing, or whose reports will be submitted to the Court, including copies of all documentary evidence expected to be offered into evidence by or through such expert;
 - 6 Copies of any and all other documentary evidence expected to be offered at trial.

V.
PRIORITY.

RULE NO. 17. Priority. (Adopted 04/90)

These Rules are in addition and supplemental to the Uniform Chancery Court Rules, the Mississippi Rules of Civil Procedure, and other applicable rules promulgated by the Mississippi Supreme Court, and are not intended to override, rescind or repeal any of same. However, these rules shall supersede and replace any and all former and preceding local rules of the Second Chancery Court District.

ADOPTED by the Court, this 30th day of November, 2001, to be effective upon approval by the Mississippi Supreme Court, pursuant to M.R.C.P. 83(b).

C H A N C E L L O R

revised 11/2001

APPENDIX OF FORMS

ORDERS OF THE COURT:

| | | |
|--------|------------------------------|---|
| Form # | CT.5B2.100 | TIME STANDARDS ORDER - Domestic Relations |
| | CT.5B2.200 | TIME STANDARDS ORDER - General Civil Actions |
| | CT.6B1.100 | SCHEDULING ORDER |
| | CT.10C5.100 | ORDER TO SHOW CAUSE - Failure to submit judgment |
| | CT.14A.100 | ORDER TO SHOW CAUSE - Appointment of MRE 706 Expert |
| | CT.14C.100 | ORDER APPOINTING MRE 706 EXPERTS |
| | CT.14D.100 | AGREED ORDER FOR COURT APPOINTED EXPERTS |
| | CT.15C2d.100 | ORDER TO SHOW CAUSE - Failure to file accounting |
| | CT.16.100 | ORDER SETTING SETTLEMENT CONFERENCE |

COURT ADMINISTRATOR FORMS:

| | | |
|--------|-----------------------------|---|
| Form # | CA.5B1.100 | NOTICE OF TRIAL SETTING - Uncontested Matters |
| | CA.10C4.100 | NOTICE OF HEARING FOR ENTRY OF JUDGMENT |

CHANCERY CLERK FORMS:

| | | |
|--------|------------------------------|----------------------------------|
| Form # | CL.15A1.100 | PROBATE WORKSHEET |
| | CL.15C2a.100 | NOTICE OF DUE DATE OF ACCOUNTING |
| | CL.15C2b.100 | NOTICE OF ACCOUNTING DUE |

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

JANE DOE

PLAINTIFF

VS.

C.A.N. _____

JOHN DOE

DEFENDANT

TIME-STANDARDS ORDER

Contested Domestic Relations

This matter is before the Court Ex Mero Motu upon notification by the Clerk that process has been completed. Pursuant to Administrative Order 2001-AD-00001 entered by the Supreme Court, State of Mississippi, on November 15, 2001, as well as the Mississippi Rules of Civil Procedure, the Uniform Chancery Court Rules and the Local Rules of the Second Chancery Court District, State of Mississippi, it is hereby Ordered and Adjudged as follows:

I.

SCHEDULING ORDER

1. This matter was filed on **January 3, 2002**. Process was completed on the Defendant on **January 4, 2002**. An answer was filed in this matter by the Defendant on **February 4, 2002**, which date is hereinafter referred to as the date of "Service of an Answer". [If no answer is required by applicable statutes or rules, the date of "Service of an Answer" shall be that date which is thirty days for divorce actions and all Rule 81(d)(1) matters or seven days for all Rule 81(d)(2) matters after the date of service of process on the defendant, all as calculated pursuant to M.R.C.P.6.] This matter shall be adjudicated or otherwise concluded within 365 days of the date of filing, being **January 3, 2003**, hereinafter referred to as the "Target Date", pursuant to a

Scheduling Order to be entered in the following manner:

- a. An appropriate Scheduling Order, in the form required by local court rules, shall be submitted to the Court within thirty (30) days of the date of Service of an Answer.
- b. Counsels for all parties are under an affirmative duty to timely present the proposed Scheduling Order to the Court setting forth deadlines required therein, including, but not limited to deadlines for the joinder of other parties, amendments to pleadings, service of motions, designation of experts [whether requested by counsel opposite or not], service of dispositive motions and the **completion** of discovery. [The discovery deadline shall require that all discovery be **completed** and not simply filed by that date. For example, interrogatories should be filed more than thirty days prior to the discovery deadline, plus three days for mailing, if applicable. (See M.R.C.P. 6(e))].
- c. Not later than twenty (20) days after the date of Service of an Answer, lead counsel for Plaintiff shall initiate a conference call between counsels for all parties who shall then confer regarding preparation of the Scheduling Order and the content thereof. By agreement of all counsels, this conference may be conducted in person at a locations to be agreed upon. Unless agreed otherwise, Counsel for Plaintiff shall thereupon prepare the proposed Scheduling Order and submit same to Counsels for all defendants within four (4) days thereafter. Counsel for Defendants shall thereafter submit same to the Court no later than thirty (30) days following the date of Service of an Answer.
- d. In selecting applicable deadlines to be prescribed by the Scheduling Order, counsels for all parties must consider the Target Date as designated by the Supreme Court. Further, counsels for all parties should consider that all requests for continuances and all request for extensions of the deadlines set forth in the Scheduling Order will require a showing of good cause.

- e. In the event counsels for all parties cannot agree on applicable deadlines to be contained in the Scheduling Order, all counsels shall submit to the Court, no later than twenty-six (26) days after the date of Service of an Answer, a proposed Scheduling Order containing the deadlines which they propose for this case. In this situation, counsel should attach to the proposed Scheduling Order an Affidavit explaining the disagreement between counsels regarding the proposed deadlines, as well as an explanation as to why their proposed deadlines are more applicable to this situation. The Court shall thereafter enter the appropriate Scheduling Order, subject to the right of the Court to require the personal presence of counsels for all parties at a hearing noticed by the Court for the purpose of considering same.
- f. In arriving at the deadlines to be prescribed in the Scheduling Order, counsels for all parties should consider the following as an initial guide:
- i. Discovery Deadline 90 days from “Service of an Answer”, pursuant to U.C.C.R. 1.10;
 - ii. Joinder of Parties 45 days from Service of an Answer;
 - iii. Amendments to Pleadings 45 days from Service of an Answer;
 - iv. Designation of Expert Witnesses 45 days from Service of an Answer;
 - v. Motions 120 days from Service of an Answer;
 - vi. Dispositive Motions 150 days from Service of an Answer.

II. DISCOVERY

2. Discovery in this matter shall be controlled by the Mississippi Rules of Civil Procedure, the Uniform Chancery Court Rules, including but not limited to Rule 1.10 thereof, as well as the Local Rules

of the Second Chancery Court District, State of Mississippi.

III.

RULE 8.05

3. If this is a domestic case wherein economic issues and/or property division has been plead, the parties and their attorneys shall comply with Rule 8.05, Uniform Chancery Court Rules. Each party shall provide the opposite party or counsel, if known, the following disclosures:
 - a. A detailed written statement of actual income and expenses and assets and liabilities in the forms proscribed by Rule 8.05, Uniform Chancery Court Rules;
 - b. Copies of the preceding year's Federal and State Income Tax returns, in full form as filed, or copies of W-2's if the return has not yet been filed;
 - c. A general statement of the providing party describing employment history and earnings from the inception of the marriage or from the date of divorce, whichever is applicable. The party providing the required written statement shall immediately file a Certificate of Compliance, in the form contained in Rule 8.05 with the Chancery Clerk for filing in the Court file.
 - d. These voluntary disclosures shall be made by Plaintiff not later than the time that the Defendant's Answer is due, and by the Defendant at the time that the Defendant's Answer is due but not later than 45 days from the date of the filing of the commencing pleading, if discovery was filed with the commencing pleading.
 - e. The remaining provisions of Rule 8.05, Uniform Chancery Court Rules, shall also be applicable to this action.

IV.

SETTLEMENT CONFERENCE

4. This action is hereby set for settlement conference on the [4TH] day of [August], 2002, in the Courtroom of the [Scott] County Courthouse, in [Forest], Mississippi, at 9:00 O'clock, a. .m., subject to the following:
 - a. **EXCEPTIONS.** No settlement conference shall be required or conducted in the following actions:
 - i. Actions which have been fully and completely resolved as to all issues raised in the pleadings **and FINAL JUDGMENT has already been entered by the Court;**
 - ii. Any action in which the Court has previously entered an Order dispensing with the requirement of a settlement conference for good cause shown.
 - b. **PARTICIPANTS.** All counsels shall be present at the settlement conference. Absent unforeseen emergency or immediate exigent circumstances, all parties shall be personally present at the settlement conference unless previously excused by Order of the Court.
 - c. **PRODUCTION.** Counsels for all parties shall be prepared to produce to the Court and counsel opposite at the time of the settlement conference the following:
 - i. The original Court File;
 - ii. The original of any and all unfiled discovery;
 - iii. Copies of all proposed trial exhibits;
 - iv. Copies of all documentation required under U.C.C.R. 8.05;
 - v. Copies of all written reports from all experts expected to testify at the final hearing, or whose reports will be submitted to the Court, including copies of all documentary evidence expected to be offered into evidence by or through such

expert;

vi. Copies of any and all other documentary evidence expected to be offered at trial.

IV. TRIAL DATE

5. This matter is hereby set for final hearing on the [12th] day of [September], 2002, in the Courtroom of the [Jasper] County Courthouse, in [Bay Springs], Mississippi, at 9:00 O'clock, a.m., with the following understandings:

- a. **RESERVE PERIOD.** Although the Trial Date noted above is the preferred date for trial of this matter, same may be called up for trial at any time during the entire term, beginning on the [9th day of September, 2002] and continuing through the [20th day of September, 2002].. Counsels for both parties should reserve the entire term in which this matter is set for trial.
- b. **CONFLICTS.** In the event either counsels have any conflicts with the assigned Trial Date, notice thereof must be received by the Court Administrator within 10 days from the date of this Order. In such event, counsel with such conflict should, within 15 days from the date of this Order, arrange a conference call between the Court Administrator and all counsels for the purpose of selecting an alternate Trial Date, failing in which the Trial Date assigned above shall stand.
- c. **UNNOTICED CONFLICTS.** Absent unforeseen emergency or immediate exigent circumstances, only conflicts noticed to the Court Administrator within 10 days of the date of this Order shall be considered by the Court. Unforeseen emergency or immediate exigent circumstances shall be considered by the Court on a case by case

basis.

SO ORDERED AND ADJUDGED, this the _____ day of _____, 200__.

C H A N C E L L O R

Form CT.5B2.100

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

JANE DOE

PLAINTIFF

VS.

C.A.N. _____

JOHN DOE

DEFENDANT

TIME-STANDARDS ORDER

General Civil

This matter is before the Court Ex Mero Motu upon notification by the Clerk that process has been completed. Pursuant to Administrative Order 2001-AD-00001 entered by the Supreme Court, State of Mississippi, on November 15, 2001, as well as the Mississippi Rules of Civil Procedure, the Uniform Chancery Court Rules and the Local Rules of the Second Chancery Court District, State of Mississippi, it is hereby Ordered and Adjudged as follows:

I.

SCHEDULING ORDER

1. This matter was filed on **[January 3, 2002]**. Process was completed on the Defendant on **[January 4, 2002]**. An answer was filed in this matter by the Defendant on **[February 4, 2002]**, which date is hereinafter referred to as the date of "Service of an Answer". [If no answer is required by applicable statutes or rules, the date of "Service of an Answer" shall be that date which is thirty days for divorce actions and all Rule 81(d)(1) matters or seven days for all Rule 81(d)(2) matters after the date of service of process on the defendant, all as calculated pursuant to M.R.C.P.6.] This matter shall be adjudicated or otherwise concluded within eighteen (18) months

of the date of filing, being **[July 3, 2003]**, hereinafter referred to as the “Target Date”, pursuant to a Scheduling Order to be entered in the following manner:

- a. An appropriate Scheduling Order, in the form required by local court rules, shall be submitted to the Court within thirty (30) days of the date of Service of an Answer.
- b. Counsels for all parties are under an affirmative duty to timely present the proposed Scheduling Order to the Court setting forth deadlines required therein, including, but not limited to deadlines for the joinder of other parties, amendments to pleadings, service of motions, designation of experts [whether requested by counsel opposite or not], service of dispositive motions and the *completion* of discovery. [The discovery deadline shall require that all discovery be *completed* and not simply filed by that date. For example, interrogatories should be filed more than thirty days prior to the discovery deadline, plus three days for mailing, if applicable. (See M.R.C.P. 6(e))].
- c. Not later than twenty (20) days after the date of Service of an Answer, lead counsel for Plaintiff shall initiate a conference call between counsels for all parties who shall then confer regarding preparation of the Scheduling Order and the content thereof. By agreement of all counsels, this conference may be conducted in person at a locations to be agreed upon. Unless agreed otherwise, Counsel for Plaintiff shall thereupon prepare the proposed Scheduling Order and submit same to Counsels for all defendants within four (4) days thereafter. Counsel for Defendants shall thereafter submit same to the Court no later than thirty (30) days following the date of Service of an Answer.
- d. In selecting applicable deadlines to be prescribed by the Scheduling Order, counsels for all parties must consider the Target Date as designated by the Supreme Court. Further,

counsels for all parties should consider that all requests for continuances and all request for extensions of the deadlines set forth in the Scheduling Order will require a showing of good cause.

e. In the event counsels for all parties cannot agree on applicable deadlines to be contained in the Scheduling Order, all counsels shall submit to the Court, no later than twenty-six (26) days after the date of Service of an Answer, a proposed Scheduling Order containing the deadlines which they propose for this case. In this situation, counsel should attach to the proposed Scheduling Order an Affidavit explaining the disagreement between counsels regarding the proposed deadlines, as well as an explanation as to why their proposed deadlines are more applicable to this situation. The Court shall thereafter enter the appropriate Scheduling Order, subject to the right of the Court to require the personal presence of counsels for all parties at a hearing noticed by the Court for the purpose of considering same.

f. In arriving at the deadlines to be prescribed in the Scheduling Order, counsels for all parties should consider the following as an initial guide:

- i. Discovery Deadline 90 days from “Service of an Answer”, pursuant to U.C.C.R. 1.10;
- ii. Joinder of Parties 45 days from Service of an Answer;
- iii. Amendments to Pleadings 45 days from Service of an Answer;
- iv. Designation of Expert Witnesses 45 days from Service of an Answer;
- v. Motions 120 days from Service of an Answer;

vi. Dispositive Motions

150 days from Service of an Answer.

II. DISCOVERY

2. Discovery in this matter shall be controlled by the Mississippi Rules of Civil Procedure, the Uniform Chancery Court Rules, including but not limited to Rule 1.10 thereof, as well as the Local Rules of the Second Chancery Court District, State of Mississippi.

III. SETTLEMENT CONFERENCE

3. This action is hereby set for settlement conference on the [4TH] day of [August], 2002, in the Courtroom of the [Scott] County Courthouse, in [Forest], Mississippi, at 9:00 O'clock, a.m., subject to the following:

- a. **EXCEPTIONS.** No settlement conference shall be required or conducted in the following actions:
- i. Actions which have been fully and completely resolved as to all issues raised in the pleadings **and FINAL JUDGMENT has already been entered by the Court;**
 - ii. Any action in which the Court has previously entered an Order dispensing with the requirement of a settlement conference for good cause shown.
- b. **PARTICIPANTS.** All counsels shall be present at the settlement conference. Absent unforeseen emergency or immediate exigent circumstances, all parties shall be personally present at the settlement conference unless previously excused by Order of the Court.
- c. **PRODUCTION.** Counsels for all parties shall be prepared to produce to the Court and counsel opposite at the time of the settlement conference the following:

- i. The original Court File;
- ii. The original of any and all unfiled discovery;
- iii. Copies of all proposed trial exhibits;
- iv. Copies of all written reports from all experts expected to testify at the final hearing, or whose reports will be submitted to the Court, including copies of all documentary evidence expected to be offered into evidence by or through such expert;
- v. Copies of any and all other documentary evidence expected to be offered at trial.

**IV.
TRIAL DATE**

4. This matter is hereby set for final hearing on the [12th] day of [September], 2002, in the Courtroom of the [Jasper] County Courthouse, in [Bay Springs], Mississippi, at 9:00 O'clock, a.m., with the following understandings:
 - a. **RESERVE PERIOD.** Although the Trial Date noted above is the preferred date for trial of this matter, same may be called up for trial at any time during the entire term, beginning on the [9th day of September, 2002] and continuing through the [20th day of September, 2002].. Counsels for both parties should reserve the entire term in which this matter is set for trial.
 - b. **CONFLICTS.** In the event either counsels have any conflicts with the assigned Trial Date, notice thereof must be received by the Court Administrator within 10 days from the date of this Order. In such event, counsel with such conflict should, within 15 days from the date of this Order, arrange a conference call between the Court Administrator and all counsels for

the purpose of selecting an alternate Trial Date, failing in which the Trial Date assigned above shall stand.

- c. **UNNOTICED CONFLICTS.** Absent unforeseen emergency or immediate exigent circumstances, only conflicts noticed to the Court Administrator within 10 days of the date of this Order shall be considered by the Court. Unforeseen emergency or immediate exigent circumstances shall be considered by the Court on a case by case basis.

SO ORDERED AND ADJUDGED, this the _____ day of _____, 200__.

C H A N C E L L O R

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

PLAINTIFF

VS.

C.A.N. _____

DEFENDANT

SCHEDULING ORDER

This matter is before the Court for the entry of an appropriate Scheduling Order. See Amended Local Court Rules, Second Chancery Court District, State of Mississippi, for definitions of *italicized* words.

IT IS, THEREFORE, ORDERED AND ADJUDGED:

1 This matter is hereby set for final hearing on the ____ day of _____, 200____, in the Courtroom of the _____ County Courthouse, in _____, Mississippi, at 9:00 O'clock, a.m., subject to all applicable provisions of the Time Standards Order previously entered in this cause.

2. The following deadlines shall apply.

a. All discovery shall be completed no later than the 90th day following the date of *Service of an Answer*, said deadline being the _____ day of _____, 200____;

b. All motions to join additional parties shall be filed and heard no later than the 45th day following the date of *Service of an Answer*, said deadline being the _____ day of _____, 200____;

c. All motions to amend the pleadings shall be filed and heard no later than the 45th day following the date of *Service of an Answer*, said deadline being the _____ day of _____, 200____;

_____, 200___;

- d. All experts shall be designated no later than the 45th day following the date of *Service of an Answer*, said deadline being the _____ day of _____, 200___;
- e. All motions, other than motions to amend pleadings or dispositive motions, shall be filed and heard no later than the 120th day following the date of *Service of an Answer*, said deadline being the _____ day of _____, 200___;
- f. All dispositive motions shall be filed and heard no later than the 150th day following the date of *Service of an Answer*, said deadline being the _____ day of _____, 200___;

SO ORDERED AND ADJUDGED, this the _____ day of _____, 200___.

CHANCELLOR

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

| | |
|-------|--------------|
| _____ | PLAINTIFF(S) |
| VS. | C.A.N. _____ |
| _____ | DEFENDANT(S) |

ORDER TO SHOW CAUSE
Failure to Submit Judgment or Order

| |
|---------------------------------------|
| ATTORNEY(S) FOR PLAINTIFF(S): |
| ATTORNEY(S) FOR DEFENDANT(S): |

It having come to the attention of the Court that no judgment or order has been entered in this cause as directed by the Court and required by UCCR 5.04 and the Local Rules of this Court, this matter is hereby set for further hearing for the propose of entry of an appropriate judgment or order, and the attorneys are hereby ordered and directed to personally appear before the Court on _____, 200__, at 9:00 o'clock. a.m., in the _____ County Courthouse, _____, Mississippi, to show cause why they should not be held in contempt of Court and assessed cost and expenses, if appropriate.

SO ORDERED AND ADJUDGED, this the ____ day of _____, 200__.

Form CT.10C5.100

CHANCELLOR

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

PLAINTIFF

V.

C.A.N. _____

DEFENDANT

ORDER TO SHOW CAUSE

Appointment of Expert per M.R.E. 706

The Court being advised that the parties to this domestic relations matter have been unable to agree as to the value of items alleged to be marital property, notice is hereby given that the Court shall consider the appointment of an expert pursuant to M.R.E. 706 at a hearing to be conducted at 9:00 o'clock, a.m., on the _____ day of _____, 200____, at the _____ County Courthouse, in _____, Mississippi. Both parties, and their attorneys, are hereby ordered and directed to personally appear and show cause why such expert should not be appointed. The parties to this action having been unable to agree as to the value of all items alleged to be marital property, and being of the opinion that an expert should be appointed by the Court pursuant to M.R.E. 706, do hereby consent and agree to the entry of this Order.

SO ORDERED AND ADJUDGED, this the _____ day of _____,
200_____.

C H A N C E L L O R

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

PLAINTIFF

V.

C.A.N. _____

DEFENDANT

ORDER APPOINTING M.R.E. 706 EXPERTS

The parties to this action having been unable to agree as to the value of all items alleged to be marital property, and the Court, following proper notice to the parties, having considered same, is of the opinion that an expert should be appointed by the Court pursuant to M.R.E. 706.

IT IS, THEREFORE, ORDERED AND ADJUDGED as follows.

1. _____ be, and is hereby appointed by the Court to determine the **fair market value** of the following items of personal property alleged by one or both of the parties to be marital property subject to equitable distribution pursuant to Ferguson v Ferguson, 639 So.2d 921 (Miss. 1994).

- a. X
- b. X
- c. X
- d. X
- e. X
- f. X
- g. X

| |
|---|
| Herein list any and all items alleged by either party to be marital property subject to equitable distribution. |
|---|

2. _____ be, and is hereby appointed by the Court to determine the **fair market value** of the following described real property alleged by one or both of the parties to be marital property subject to equitable distribution pursuant to Ferguson v Ferguson, 639 So.2d 921 (Miss. 1994).

a. Exact legal description inserted here.

b. Exact legal description inserted here.

3. _____ be, and is hereby appointed by the Court to determine the **fair market value** of all standing timber on the following described real property alleged by one or both of the parties to be marital property subject to equitable distribution pursuant to Ferguson v Ferguson, 639 So.2d 921 (Miss. 1994).

a. Exact legal description inserted here.

b. Exact legal description inserted here.

4. _____ be, and is hereby appointed by the Court to determine the **fair market value** of the business known and operated as

| |
|-------------------------------|
| Insert name of business here. |
|-------------------------------|

 _____ alleged by one or both of the parties to be marital property subject to equitable distribution pursuant to Ferguson v Ferguson, 639 So.2d 921 (Miss. 1994).

5. The parties and their attorneys are hereby ordered and directed to fully and timely cooperate with such experts in securing any and all information needed, including, but not limited to affording such experts full and unfettered access to such property.

6. Plaintiff shall, within fifteen (15) days of the date of this Order, deposit with the Clerk of this Court the sum of \$ _____ to defray the anticipated cost of such experts. In the event such deposit proves to be insufficient, further deposits may be required by the Court at a later date.

7. Defendant shall, within fifteen (15) days of the date of this Order, deposit with the Clerk of

this Court the sum of \$ _____ to defray the anticipated cost of such experts. In the event such deposit proves to be insufficient, further deposits may be required by the Court at a later date.

8. As time is of the essence in the final adjudication and disposition of this matter, the experts hereby appointed shall file a full and complete report with the Clerk of this Court, with copies to all counsels of record, as soon as possible, but in no event later than sixty (60) days.

SO ORDERED AND ADJUDGED, this the ____ day of _____, 200__.

C H A N C E L L O R

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

PLAINTIFF

V.

C.A.N. _____

DEFENDANT

AGREED ORDER FOR COURT APPOINTED EXPERTS

The parties to this action having been unable to agree as to the value of all items alleged to be marital property, and being of the opinion that an expert should be appointed by the Court pursuant to M.R.E. 706, do hereby consent and agree to the entry of this Order.

IT IS, THEREFORE, ORDERED AND ADJUDGED as follows.

1. _____ be, and is hereby appointed by the Court to determine the **fair market value** of the following items of personal property alleged by one or both of the parties to be marital property subject to equitable distribution pursuant to Ferguson v Ferguson, 639 So.2d 921 (Miss. 1994).

- a. X
- b. X
- c. X
- d. X
- e. X
- f. X
- g. X

| |
|--|
| <p>Herein list any and all items alleged by either party to be marital property subject to equitable distribution.</p> |
|--|

2. _____ be, and is hereby appointed by the Court to determine the **fair market value** of the following described real property alleged by one or both of the parties to be marital property subject to equitable distribution pursuant to Ferguson v Ferguson, 639 So.2d 921 (Miss. 1994).

- a. Exact legal description inserted here.
- b. Exact legal description inserted here.

3. _____ be, and is hereby appointed by the Court to determine the **fair market value** of all standing timber on the following described real property alleged by one or both of the parties to be marital property subject to equitable distribution pursuant to Ferguson v Ferguson, 639 So.2d 921 (Miss. 1994).

- a. Exact legal description inserted here.
- b. Exact legal description inserted here.

4. _____ be, and is hereby appointed by the Court to determine the **fair market value** of the business known and operated as _____ Insert name of business here. _____ alleged by one or both of the parties to be marital property subject to equitable distribution pursuant to Ferguson v Ferguson, 639 So.2d 921 (Miss. 1994).

5. The parties and their attorneys are hereby ordered and directed to fully and timely cooperate with such experts in securing any and all information needed, including, but not limited to affording such experts full and unfettered access to such property.

6. Plaintiff shall, within fifteen (15) days of the date of this Order, deposit with the Clerk of this Court the sum of \$ _____ to defray the anticipated cost of such experts. In the event such deposit proves to be insufficient, further deposits may be required by the Court at a later date.

7. Defendant shall, within fifteen (15) days of the date of this Order, deposit with the Clerk of this Court the sum of \$_____ to defray the anticipated cost of such experts. In the event such deposit proves to be insufficient, further deposits may be required by the Court at a later date.
8. As time is of the essence in the final adjudication and disposition of this matter, the experts hereby appointed shall file a full and complete report with the Clerk of this Court, with copies to all counsels of record, as soon as possible, but in no event later than sixty (60) days.

SO ORDERED AND ADJUDGED, this the ____ day of _____, 200__.

C H A N C E L L O R

APPROVED AND AGREED:

PLAINTIFF

ATTORNEY FOR PLAINTIFF

DEFENDANT

ATTORNEY FOR DEFENDANT

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

IN THE MATTER OF THE ESTATE OF _____

C.A.N. _____

EX ADM CONS GND

ORDER TO SHOW CAUSE

Failure to file Accounting

FIDUCIARY:

ATTORNEY FOR FIDUCIARY:

It having come to the attention of the Court that an Annual Accounting has not been filed in this cause as required, notice is hereby given that the above referenced duly appointed Fiduciary and the Attorney are hereby Ordered and Directed to personally appear before the Court on the _____ day of _____, 200__, at 9:00 o'clock. a.m., in the _____ County Courthouse, _____, Mississippi, to show cause, if any they have, why they should not be fined and/or removed.

SO ORDERED AND ADJUDGED, this the _____ day of _____, 200__.

CHANCELLOR

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

| | | |
|-----|--------------|--------------|
| | | PLAINTIFF(S) |
| VS. | C.A.N. _____ | |
| | | DEFENDANT(S) |

ORDER SETTING SETTLEMENT CONFERENCE

| |
|-------------------------------|
| ATTORNEY(S) FOR PLAINTIFF(S): |
| ATTORNEY(S) FOR DEFENDANT(S): |

It having come to the attention of the Court that a Settlement Conference should be conducted in this matter so as to narrow the issues to the extent possible.

IT IS, THEREFORE ORDERED AND ADJUDGED that this cause is hereby set for Settlement Conference at 9:00 o'clock, a.m., on the ___ day of _____, 200__, in the _____ County Courthouse, _____, Mississippi. All counsels shall be personally present at the settlement conference. Absent unforeseen emergency or immediate exigent circumstances, all parties shall be personally present at the settlement conference unless excused by Order of the Court for good cause shown. Counsels for all parties shall be prepared to produce to the Court and counsel opposite at the time of the settlement conference the following:

- a. The original Court File;
- b. The original of any and all unfiled discovery;

- c. Copies of all proposed trial exhibits;
- d. Copies of all documentation required under U.C.C.R. 8.05, if applicable;
- e. Copies of all written reports from all experts expected to testify at the final hearing, or whose reports will be submitted to the Court, including copies of all documentary evidence expected to be offered into evidence by or through such expert;
- f. Copies of any and all other documentary evidence expected to be offered at trial.

SO ORDERED AND ADJUDGED, this the ____ day of _____, 200__.

C H A N C E L L O R

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

| | |
|-------|--------------|
| _____ | PLAINTIFF(S) |
| VS. | C.A.N. _____ |
| _____ | DEFENDANT(S) |

NOTICE OF TRIAL SETTING

Uncontested Matters

| |
|---|
| ATTORNEY(S) FOR PLAINTIFF(S): |
|---|

Notice is hereby given that the above styled and numbered cause has been set for **TRIAL** on the _____ day of _____, 200__, at 9:00 o'clock. a.m., in the _____ County Courthouse, _____, Mississippi.

IF YOU DO NOT AGREE TO THE ABOVE SETTING, PLEASE NOTIFY THE OFFICE OF THE COURT ADMINISTRATOR WITHIN FIVE (5) DAYS AFTER RECEIPT OF THIS NOTICE. IF WE DO NOT HEAR FROM YOU WITHIN THAT TIME, THE COURT WILL CONSIDER THIS A FIRM SETTING.

CERTIFICATE

I, the undersigned Court Administrator, do hereby certify that I have this date mailed, postage prepaid, this **NOTICE OF TRIAL SETTING** to the above named Attorney(s) at the address stated above.

This, the _____ day of _____, 200__.

COURT ADMINISTRATOR*

*Post Office Box 434, Forest, MS 39074

VOICE: (601) 469-2447 FAX:
(601) 469-3116

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

| | |
|-----------|--------------|
| _____ | PLAINTIFF(S) |
| VS. _____ | C.A.N. _____ |
| _____ | DEFENDANT(S) |

NOTICE OF HEARING FOR ENTRY OF JUDGMENT OR ORDER

| |
|---------------------------------------|
| ATTORNEY(S) FOR PLAINTIFF(S): |
| ATTORNEY(S) FOR DEFENDANT(S): |

It having come to the attention of the Court that no judgment or order has been entered in this cause as directed by the Court and required by UCCR 5.04, notice is hereby given that the above styled and numbered cause has been set for **HEARING FOR ENTRY OF JUDGMENT OR ORDER** on the _____ day of _____, 200__, at 9:00 o'clock. a.m., in the _____ County Courthouse, _____, Mississippi.

CERTIFICATE

I, the undersigned Court Administrator, do hereby certify that I have this date mailed, postage prepaid, this **NOTICE OF HEARING FOR ENTRY OF JUDGMENT OR ORDER** to the above named Attorneys at the address stated above.

This, the _____ day of _____, 200__.

COURT ADMINISTRATOR*

*Post Office Box 434, Forest, MS 39074

VOICE: (601) 469-2447 FAX:

(601) 469-3116

Form CA.10C4.100

Form CL 15A1.100

PROBATE WORKSHEET

2nd Chancery Court District
State of Mississippi

Civil Action Number _____

For Clerk's use only
Per Court order, Accountings
Due every _____ years.

Style: _____

DATE ANNUAL ACCOUNTINGS DUE:

To be completed by Clerk. Unless waived by the Court, accountings are due yearly on the anniversary of the date of filing.

WARD/DECEDENT

NAME: _____

SOCIAL SECURITY NO: _____

(For Guardian/conservatorship cases only)

D.O.B.: _____

AGE: _____

ATTORNEY

BAR NUMBER _____

NAME: _____

FIRM: _____

ADDRESS: _____

TELEPHONE: _____

FAX: _____

FIDUCIARY

(Circle one) CONS GND ADM EXECUTOR

NAME: _____

ADDRESS: _____

TELEPHONE: _____

FAX: _____

SOCIAL SECURITY NO: _____

DEPOSITORY

NAME: _____

ADDRESS: _____

TELEPHONE: _____

FAX: _____

ACCOUNT NO. _____

BOND

VALUE OF ESTATE: _____

AMOUNT OF BOND: _____

- _____ WAIVED BY WILL.
- _____ WAIVED PER §91-7-67
- _____ WAIVED PER §93-13-17

INVENTORY, APPRAISAL & ACCOUNTING

(Required unless waived by Will)

INVENTORY WAIVED BY WILL?
_____ YES _____ NO

APPRAISAL WAIVED BY WILL?
_____ YES _____ NO

ANNUAL ACCOUNTING WAIVED BY WILL?
_____ YES _____ NO

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

IN THE MATTER OF THE ESTATE OF _____

EX ADM CONS GND

C.A.N. _____

NOTICE OF DUE DATE OF ACCOUNTING

FIDUCIARY:

ATTORNEY FOR FIDUCIARY:

Pursuant to Uniform Chancery Court Rules and the Local Rules of the Second Chancery Court District, State of Mississippi, notice is hereby given as follows:

1. Annual accountings are due in this estate on the ____ day of _____,
a. Each year, or
b. Every _____ years.

CERTIFICATE

I, the undersigned Chancery Clerk, do hereby certify that I have this date mailed, postage prepaid, this **NOTICE OF DUE DATE OF ACCOUNTING** to the above named Attorney(s) and Fiduciary at their address stated above.

This, the ____ day of _____, 200__.

CHANCERY CLERK

Form CL.15C2a.100

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE ESTATE OF _____

C.A.N. _____

EX ADM CONS GND

NOTICE OF ACCOUNTING DUE

FIDUCIARY:

ATTORNEY FOR FIDUCIARY:

Pursuant to Uniform Chancery Court Rules and the Local Rules of the Second Chancery Court District, State of Mississippi, notice is hereby given as follows:

2. An accounting is due in this estate on the ____ day of _____, 200__.

CERTIFICATE

I, the undersigned Chancery Clerk, do hereby certify that I have this date mailed, postage prepaid, this **NOTICE OF ACCOUNTING DUE** to the above named Attorney(s) and Fiduciary at their address stated above.

This, the ____ day of _____, 200__.

CHANCERY CLERK